

Appl. No. : **09/881,052**
Filed : **June 13, 2001**

REMARKS

Claims 95-124 are currently pending and presented for examination. Claims 95, 103, 104, 106, 110, 118, 119 and 121 have been amended. Specifically, claims 103, 104, 106, 118, 119 and 121 have been amended to correct typographical errors and improper antecedent basis. Claims 95 and 110 have been amended to replace the phrase "wherein said dispensing nozzles are substantially stationary," with the phrase "wherein movement of said dispensing nozzles is minimized or eliminated." Support for this amendment can be found in the specification at page 12, lines 11-12 and elsewhere throughout the specification. As such, no new matter has been introduced by way of the claim amendments.

After carefully considering the instant Office Action, Applicants respectfully traverse the Examiner's rejection of claims 95-124.

Rejection of claims 95-124 under 35 U.S.C. § 112, first paragraph

The Examiner rejects claims 95-124 under 35 U.S.C. § 112, first paragraph as allegedly "containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, has possession of the claimed invention." In particular, the Examiner asserts that the phrase "wherein said dispensing nozzles are substantially stationary" is not supported by the description because the phrase "substantially stationary," does not appear in the specification.

As explained in the Office Action response filed April 13, 2006, Applicants maintain that claims 95-124, as set forth prior to the instant amendment, fully meet the written description requirement of 35 U.S.C. § 112, first paragraph. However, to eliminate further impedance to the issuance of the instant claims, Applicants have amended independent claims 95 and 110 to replace the phrase "wherein said dispensing nozzles are substantially stationary," with the phrase "wherein movement of said dispensing nozzles is minimized or eliminated." The Examiner has acknowledged in the Office Action mailed December 14, 2005, that the specification describes dispensing nozzles having movement that is minimized or eliminated. As such, the rejection of claims 95-124 under 35 U.S.C. § 112, first paragraph should not be maintained.

In view of the foregoing amendments and remarks, Applicants respectfully request that the rejection of claims 95-124 under 35 U.S.C. § 112, first paragraph be withdrawn.

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Rejection of claims 95-124 under 35 U.S.C. § 112, second paragraph

The Examiner rejects claims 95-124 under 35 U.S.C. § 112, second paragraph as allegedly “failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.” In particular, the Examiner asserts that the phrase “substantially stationary” is unclear “as to what degree of movement would be permissible.”

As explained in the Office Action response filed April 13, 2006, Applicants maintain that claims 95-124, as set forth prior to the instant amendment, fully meet the clarity requirement of 35 U.S.C. § 112, second paragraph. However, solely to expedite the allowance of the instant claims, Applicants have amended independent claims 95 and 110 to replace the phrase “wherein said dispensing nozzles are substantially stationary,” with the phrase “wherein movement of said dispensing nozzles is minimized or eliminated.” Because the phrase “substantially stationary” no longer appears in any of the claims, the rejection under 35 U.S.C. § 112, second paragraph should no longer be maintained.

In view of the foregoing remarks and amendments, Applicants respectfully request that the Examiner withdraw the rejection of claims 95-124 under 35 U.S.C. § 112, second paragraph .

CONCLUSION


Applicants believe that all outstanding issues in this case have been resolved and that the present claims are in condition for allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is invited to contact the undersigned at the telephone number provided below in order to expedite the resolution of such issues.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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By: 
Jerry L. Hefner
Registration No. 53,009
Attorney of Record
Customer No. 20,995
(619) 235-8550